

TESTIMONY FOR HEARING ON SENATE BILL 132

JANUARY 22, 2007

Before Senate Public Health, Welfare and Safety Committee

Prepared by: Mary Phippen, Lobbyist

Montana Association of Clerks of District Court

Mr. Chair, Members of the committee, for the record, my name is Mary Phippen. I represent the Montana Association of Clerks of District Court.

Senator Gallus, Lori Maloney, the Clerk of District Court from Butte and I have had a few discussions regarding this Bill. The Association does not oppose the intent of the Bill, but because the Clerks of District Court are responsible for the issuance of Marriage Licenses, it is our position that some of the language in the Bill needs clarification in order to properly administer the intent. We have, therefore, submitted a "friendly" amendment to Senator Gallus.

The first amendment on Page 1, Line 19 provides that the statement would be **provided by the department** indicating that the applicants waived the medical examination after being informed of the reasons for the examination and the potential risks of foregoing the examination. If this proposed amendment is approved by the committee, it would be the Association's suggestion that the department would consider adding to the current medical certificate form that is provided by the department to applicants to a Marriage License, a "checkbox", signature lines for the applicants, and the necessary language to effectuate the Waiver as indicated on Page 2, Lines 4 through 11 of the Bill.

If this suggestion and the proposed amendment on page 1, Line 19 are approved by the committee, then the language "In lieu of a medical certificate" in 40-1-203 (2) on Page 2, Line 4 would have to be stricken and perhaps state something to the effect that: "The medical certificate must indicate that that the female applicant has submitted to the blood test for rubella immunity, is exempt, or that the applicants for a marriage license may file a waiver of the blood test for rubella immunity." In addition, the


title that corresponds to Section 2, RE: 40-1-203. Proof of age and medical certificate required--- medical certificate exemption may have to be changed to strike "—medical certificate exemption."

The Clerks also have a concern regarding the language on Page 2, lines 5 through 7 which states: "The waiver must be signed by both parties to the marriage license application and must indicate that the female applicant is declining the rubella blood test after the applicants were informed by a physician or other person authorized by rule of the department of the following information:" Subsections (a)(b) and (c) then proceed to list the information that must be provided to the applicants. The Clerks would like it to be clear that they do not want to be responsible for conveying this information to the applicants.

In addition, please refer to Page 3, Line 22. Since the waiver and medical certificate are both confidential, it makes sense and would provide more administrative efficiency to include the waiver on the medical certificate. The waiver would then comply with the same record retention guidelines as the medical certificate.

For these reasons, we respectfully request that these proposed amendments and suggestions be incorporated into the bill.

Thank you.



Mary Phippen, Lobbyist
Mt. Assn. Clerks of District Court

PROPOSED AMENDMENTS TO SENATE BILL 132
REQUESTED BY THE MONTANA ASSOCIATION OF CLERKS OF DISTRICT
COURT

Prepared by Mary Phippen, Lobbyist for the Association

For Senate Public Health, Welfare and Safety Committee

January 22, 2007

1. Page 1, Line 19.

Following: "statement"

Insert: "provided by the department"

2. Page 2, Line 5.

Following: "both"

Insert: "applicants"

Strike: "parties to the marriage license application"